

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 95-060

RESCISSION OF SITE CLEANUP REQUIREMENTS FOR:

**MOTOROLA COMPUTER SYSTEMS, INC.
AND TANDEM COMPUTERS INC.**

for the property located at

**1933 VALLCO PARKWAY
CUPERTINO, SANTA CLARA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

SITE DESCRIPTION AND TENANCY

1. Motorola Computer Systems, Inc. (formerly Four-Phase Systems) leased the property from Vallico Park, Ltd. at 19333 Vallco Parkway from 1974 to 1978. Motorola vacated the facility in 1978 and it was subsequently leased to Tandem Computers Inc.

SITE HISTORY

2. On March 16, 1988, the Board adopted Site Cleanup Requirements Order No. 88-041, naming Motorola Computer Systems, Inc. and Tandem Computers Inc. as dischargers of certain solvents and waste byproducts generated from their semiconductor production processes and released from their subsurface solvent storage and acid neutralization systems. Amended Site Cleanup Requirements, Order No. 93-094 were adopted on August 18, 1993, prescribing additional testing for phthalate.
3. After removal of the subsurface storage facilities, analysis of soil samples identified trichlorethylene, xylene, ethylbenzene, Freon 113, 1,2-DCE and toluene as contaminants.

SOIL AND GROUNDWATER CONTAMINATION

4. In 1985, a vacuum extraction system was constructed to remove the soil's volatile organic pollutants. The system removed significant amounts of volatile contaminants. On April 11, 1988, Board staff accepted the discharger's April 4, 1988 Work Plan, which found that the vapor extraction system was no longer effective and the vapor extraction wells could be sealed, and accepted the ground water sampling plan, which described a 5 year long ground water sampling period to confirm that water quality is being maintained by the soil cleanup already achieved. The 5 year period ended in 1992.
5. The discharger submitted the 1992 Annual Groundwater Monitoring and Sampling Summary Report, which summarizes the results of a total of ten rounds of sampling that occurred in twice yearly sampling in April and October of five years 1988 through 1992 for wells CB-1, CB-4 and OW-2. EPA Method 8010 was used on 8 sampling rounds and EPA Method 8020 was used on 5 sampling rounds. EPA Methods 8010 and 8020 were used for purgeable priority pollutants, including Freon

113 and xylenes. EPA Method 8240 was used on all ten sampling rounds and EPA Method 8060 was used on 6 sampling rounds. EPA Methods 8240 and 8060 were used for phthalate and nonpriority pollutants. The following contaminants were of concern:

- a. Freon 113 was detected in CB-1 and CB-4 during most of the sampling rounds in concentrations as high as 0.012 mg/l in CB-1 (10/88). The California drinking water maximum contaminant level (MCL) standard is 1.2 mg/l for Freon 113. Freon 113 is no longer considered a threat to waters of the State at this site.
- b. Toluene in OW-2 was detected as high as 0.004 mg/l in October 1989 and less than detection level (0.001 mg/l) for the following five sampling rounds. The federal MCL is 1 mg/l for toluene. Toluene is no longer considered a threat to waters of the State at this site.
- c. Phthalate were detected in all three wells as high as 0.024 mg/l for dimethyl phthalate in CB-1 on October 1988. The State MCL is 0.004 mg/l for dimethyl phthalate. The state MCL was exceeded once in well CB-1, twice in well CB-4, and twice in well OW-2. During three rounds of sampling at each well the detection limit for this contaminant was <0.05 mg/L, which is greater than the state's regulatory limit. No sampling was done for phthalate for the reports of October 1990, April 1991, October 1991, and October 1992. Sampling was done for the April 1992 report. Since the semiannual report of October 1989, there had been no sampling for phthalate that was adequate for detection of an MCL violation. Order 88-041 required EPA Method 8060 for phthalate to be conducted biennially for the three wells. This test was not done for the April 1991 sampling round. Order No. 93-094 required four more quarters of sampling at which time phthalate dropped to below MCLs.

RECOMMENDATION FOR FINAL ACTION

6. The discharger submitted an annual report, dated September 30, 1994. The report concludes that phthalate concentrations in the monitoring wells have decreased to below detection limits. There is no need for further remedial actions or groundwater monitoring. The case should be closed.
7. The monitoring wells should be destroyed. The discharger should produce a final letter report documenting that all the monitoring wells used at the site have been properly destroyed.

STATE BOARD RESOLUTIONS

8. State Board Resolution 68-16
On October 28, 1968, the State Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining high Quality Waters in California". This policy calls for maintaining the existing high quality of State waters unless it is demonstrated that any change would be consistent with the maximum public benefit and not unreasonably affected beneficial uses. This is based on a Legislative finding, contained in section 13000, California Water Code, which states in part that it is State policy that "waters of the State shall be regulated to attain the highest water quality which is reasonable". The original discharge of wastes to the groundwater at this site is in violation of this policy.

9. State Board Resolution 88-63

On May 19, 1988, the State Board adopted Resolution 88-63, "Sources of Drinking Water". This resolution states that, with certain exceptions, surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply.

REGIONAL BOARD RESOLUTIONS

10. Regional Board Resolution 89-39

Resolution 88-39, "Incorporation of 'Sources of Drinking Water' Policy into the Water Quality Control Plan" was adopted on March 15, 1989. This policy defines groundwater as suitable or potentially suitable for municipal or domestic supply if it:

- a. has a total dissolved solids content of less than 3,000 mg/l, and
- b. is capable of producing sufficient water to supply a single well with at least 200 gallons per day.

For purposes of establishing cleanup objectives, the water bearing zones at this site qualify as potential sources of drinking water.

BASIN PLAN

- 11. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 16, 1986 and amendments thereafter. The Basin Plan contains water quality objectives for Los Gatos Creek and South San Francisco Bay and contiguous surface waters and groundwater.
- 12. The existing and potential beneficial uses of the groundwater underlying and adjacent to the property include:
 - a. Industrial process water supply
 - b. Industrial service supply
 - c. Municipal and domestic supply
 - d. Agricultural supply

BASIS FOR RESCISSION OF ORDER

- 13. The Board establishes the overall cleanup level for a water body based upon the most sensitive beneficial use identified. In all cases, the Board first considers high quality or naturally occurring "background" concentration objectives as the cleanup levels for polluted groundwater with a beneficial use of municipal and domestic supply, such as at this site.
- 14. All possible sources of additional contamination have been removed or mitigated. Groundwater contamination has decreased significantly over the five year monitoring program and are now below detection limits. Groundwater monitoring shows that levels are below the drinking water MCL for the Phthalate of concern, Di (2-ethylhexyl) Phthalate, and below the levels recommended by the EPA

National Advisory Water Quality Criteria for drinking water and EPA Region IX's health advisory for other phthalate.

15. Based on the above findings and in consideration of the reasonable protection of beneficial uses and maximum benefit to the people of the State pursuant to State Board Resolution 68-16, additional remediation and groundwater monitoring are not necessary.
16. Water Code Section 13263 requires the Board to review Waste Discharge Requirements periodically and modify them as necessary. Given that relevant water quality objectives are now met at the site, the Waste Discharge Requirements are no longer needed and should be rescinded.

CEQA

17. This action constitutes a minor modification to land and as such is categorically exempt from the provisions of the CEQA pursuant to Section 15304 of the Resources Agency Guidelines.

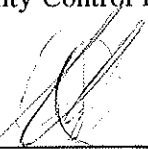
NOTICE

18. The Board has notified the dischargers and interested agencies and persons of its intent to rescind Waste Discharge Requirements for this site and has provided them with the opportunity for a public hearing and opportunity to submit their written views and recommendations.
19. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13263 of the California Water Code, that:

- a. Order No. 88-041 is rescinded.
- b. Order No. 93-094 is rescinded.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on March 15, 1995:



Steven R. Ritchie
Executive Officer